

***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '04-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 7, 2004 4:30 P.M.

SPECIAL PRESENTATIONS

Discover New Trails @ Your Library – Des Moines Public Library Summer Reading Program

PROCLAMATIONS

Homeownership Month

U.S. Army's Birthday

Iowa Juneteenth Celebration

INVOCATION: Pastor Daniel Witkowski
St. Johns Lutheran Church

- 04-1107 1. **ROLL CALL: Present: Cownie, Coleman, Kiernan, Hensley, Mahaffey, Brooks and Vlassis.**
- 04-1108 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

- 04-1109 3. APPROVING CONSENT AGENDA – items 3 through 75: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-1110 4. Approving Alcoholic Beverage applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	LOVELY FOOD MART - CONOCO	4503 FLEUR DR	C Beer
(B)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer

RENEWAL APPLICATIONS

(C)	AIR LANES	4200 FLEUR DR	C Liquor
(D)	ART HOUSE ON INGERSOLL	2809 INGERSOLL AVE	C Liquor
(E)	BEEGS LOUNGE	3418 E 14TH ST	C Liquor
(F)	CJS II	316 E 30TH STREET	C Liquor
(G)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
(H)	ESTRADAS RESTAURANT	3029 MERLE HAY ROAD	C Beer/Wine
(I)	FOUR POINT BY SHERATON	1810 ARMY POST RD	B Liquor
(J)	GERRIS	232 E 30TH ST	C Liquor
(K)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(L)	H & A MINI MART	145 UNIVERSITY AVE	C Beer
(M)	HILLTOP LOUNGE & REST	2820 HUBBELL AVE	C Liquor
(N)	KING YING LOW RESTAURANT	223 4TH STREET	C Beer/Wine
(O)	OKOBOJI GRILL OF SDSM	200 ARMY POST RD	C Liquor
(P)	ORIGINAL CONEY ISLAND	501 LOCUST ST	B Beer
(Q)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(R)	RACING CORNER	2956 E GRAND AVE	C Liquor
(S)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(T)	TAVERN SOUTH PIZZA & PASTA	1106 ARMY POST RD	C Beer/Wine
(U)	TOBACCO OUTLET PLUS #519	3144 SE 14TH STREET	C Beer

OUTDOOR SERVICE APPLICATIONS

(V)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
	Temporary outdoor service area in conjunction with the City View Celebration on July 10, 2004. Pending approval of Building Department.		
(W)	CENTRO RESTAURANT	25 E COURT AVE	C Liquor
	Five Day License for Des Moines Arts Festival June 25, 2004 through June 27, 2004. Pending approval of Building Department.		

- (X) CHUCKS RESTAURANT 3612 6TH AVE B Beer
Five Day License for the Annual Highland Park Sweet Corn Feed on July 17, 2004. Pending approval of Building Department.
- (Y) EMBASSY SUITES 25 E WALNUT AVE B Beer
Five Day License for Booth A at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
- (Z) EMBASSY SUITES 25 E WALNUT AVE B Beer
Five Day License for Booth B at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
- (AA) EMBASSY SUITES 25 E COURT AVE B Beer
Five Day License for Booth C at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
- (BB) EMBASSY SUITES 25 E COURT AVE B Beer
Five Day License for Booth D at the Des Moines Arts Festival on June 25, 26 and 27, 2004. Pending approval of Building Department.
- (CC) EMBASSY SUITES HOTEL 25 E COURT AVE B Beer
In conjunction with the Latino Festival effective June 12, 2004. Pending approval of Building Department.
- (DD) EMBASSY SUITES HOTEL 25 E COURT AVE B Beer
In conjunction with the Latino Festival effective June 12, 2004. Pending approval of Building Department.
- (EE) EMBASSY SUITES HOTEL 2101 FLEUR DR B Beer
In conjunction with Nitefall on the River effective on June 24, 2004.
- (FF) RACCOON RIVER BREWING CO 25 E WALNUT AVE C Liquor
For the Des Moines Arts Festival June 25, 26 and 27, 2004. Pending approval of Building Department.

- 04-1111 5. Approving Class C Liquor License application for Hickman Pub, 2335 Hickman Rd. (Deferred from the May 17, 2004 Council Meeting). **Moved by Brooks to adopt. Motion Carried 5-2. Nays: Coleman and Vlassis.**
- 04-1112 5-I. Approving Permanent Outdoor Service Area for Class C Liquor License to Plaza Lanes, Inc. d/b/a Trophy's Sports Bar and Grill, 2701 Douglas Avenue, providing no outdoor sound on licensed property or any property used in common with the Plaza Lanes property. SPONSOR: Vlassis **Moved by Vlassis to adopt providing no outdoor sound on licensed property or any property used in common with the Plaza Lanes property. A meeting will be held on June 16 with neighbors and the Police Department to discuss the sound issues. Motion Carried 7-0.**
- 04-1113 6. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion**

Carried 7-0.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- 04-1114 (A) 2004 City-wide PCC Pavement Restoration Program – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$155,880). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1115 (B) 15th Street and Woodland Avenue Traffic Calming – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$439,881). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1116 (C) 10th Street and 12th Street Reconstruction – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$345,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1117 (1) Approving the recommendation of the Landmark Review Board, to issue a Certificate of Appropriateness for alterations to Esther Hall, 921 Pleasant Street. ([Council Communication No. 04-271](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1118 (D) Polk Boulevard and Ingersoll Avenue Intersection Streetscape – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$112,837.30 base bid, \$128,637.30 with add alternates). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1119 (E) 30th Street and Hickman Road Traffic Signal Upgrade – Receiving of Bids, (6-29-04), and Setting Date of Hearing, (7-12-04), (Construction Estimate - \$135,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1120 (F) American Discovery Trail – Receiving of Bids, (6-15-04), and Setting Date of Hearing (7-12-04), (Construction Estimate - \$1,056,000). **Moved by Hensley to adopt. Project to include Add Alternates for additional lighting and security phones. Motion Carried 7-0.**

- 04-1121 (1) Establishing Fair Market Value and authorizing acquisition of property located north of Thomas Beck Road between vacated SW 12th Street and SW 7th Street for American Discovery Trail-Riverpoint segment. ([Council Communication No. 04-275](#)). **Moved by Hensley to adopt. Council requests the Legal Department prepare an ordinance to clarify the boundaries for the area that prohibits a Casino. Motion Carried 7-0.**
- 04-1122 8. Approving Professional Services Supplemental Agreement No. 2 with Stanley Consultants Inc. (Greg Thermopulos, President) in conjunction with Des Moines River Outfall & Overflow, not to exceed \$526,580. ([Council Communication No. 04-289](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1123 9. Approving Iowa Department of Transportation Change Order to Keo Way (Birds Run) Phase 1 Storm Sewer Outlet for removal and replacement of concrete pavement in 3rd Street from Watson Powell Way to Park Street, \$71,647.40. ([Council Communication No. 04-291](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1124 10. Approving private construction contract between Eco-Tech Construction LLC and Vacco Properties, Inc. for sanitary sewer, storm sewer and paving improvements in Stanton Landing Plat 1, Stanton Avenue and SW 29th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1125 11. Approving private construction contract between Elder Corporation and Mora Inc. for sanitary sewer improvements in the Mora Inc. Retail Center, 1420 Des Moines Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Accepting completion and recommending acceptance of the following Private Construction contracts:
- 04-1126 (A) Venter Spooner, Inc., and QuikTrip Corporation for construction of Street Improvements, extension of Railroad Avenue east from 63rd Street to 62nd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1127 (B) Grimes Asphalt & Paving Corp. and Denis Della Vedova, Inc. for construction of Street Improvements for widening of north side of Francis Avenue, approximately 530' west of 30th Street, to provide bus drop-off area for James Monroe School at 2250 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-1128 13. Approving designation of lowest responsible bidder as S. J. Louis Construction, Inc., (James Schueller, Owner, Waite Park, MN), contract and bond and permission to sublet for E. 20th Street Connector Trunk Sewer, \$5,069,405. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1129 14. Approving contract and bond for Grand Avenue at Watson Powell Way Emergency Sewer Repair with The Underground Company, (Richard Warren, Vice President, DSM) - \$45,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1130 15. Communication from M. Peterson Construction Co. requesting permission to sublet certain items on SW 9th Street Widening at Porter Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1131 16. Authorization to proceed and authorization to acquire right-of-way for the Beaver and Adams Avenue Sanitary Sewer Relocation, \$ 50,000 (estimated). ([Council Communication No. 04-282](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
17. Accepting completed construction and approving final payment for the following:
- 04-1132 (A) Central Place Sanitary Sewer Relining Program, Insituform Technologies USA, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1133 (B) Nahas Aquatic Center Filter Backwash Treatment, Pool Tech Midwest, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1134 (C) Iowa DOT Combined Traffic Signal Interconnect Program, J. F. Edwards Construction Co. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 04-1135 18. Approving deletion of special assessment at 1548 22nd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-1136 19. Approve and accept real estate documents for property at 12606 Adams Street for the Southeast Ridge Trunk Sanitary Sewer Project, \$4,371 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1137 19-I Approve and accept real estate documents for property at 511 and 517 E. McKinley Avenue for the 1986 Sidewalk Program Project. SPONSOR: Vlassis. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1138 20. Approve and accept real estate documents for property at 1330 Grand Avenue, and 1429-1433 Locust Street for the Western Gateway Project, \$ 395,000 plus closing costs. **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Cownie.**
- 04-1139 21. Approve and accept real estate documents for property at 4141 Colfax Avenue for the Four Mile Trunk Replacement Project, \$ 420 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1140 22. Approve and accept real estate documents for property at 5125 McKinley Avenue for the Airport Runway 13R/31L Project, \$238,400 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-1141 23. Regarding request from Steve Lipovac for a preliminary subdivision plat for MARY ESTEL ACRES, 3300 block of Scott Avenue, for development of seven single-family residential lots. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-1142 24. Regarding request from Vacco Properties, Inc. for a preliminary subdivision plat STANTON LANDING, 2800 block of Stanton Avenue, for development of 25 single-family residential lots. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-1143 25. Regarding request from Amazing Grace Ministries, 1500-23rd Street, for vacation and conveyance of an irregular-shaped dead-end portion of Clark Street running west from 23rd Street and a 110' segment of north/south alley, north of Clark Street. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**
- 04-1144 26. Regarding request from American Land and Redevelopment Corporation, for vacation and conveyance of a segment of Monroe Street right-of-way adjacent

to 1300 SE 1st Street, and for vacation and conveyance of a portion of SE 1st Street right-of-way, outside the public sidewalk, adjoining 1306 SE 1st Street, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

04-1145 27. Regarding request from Ralph Henderson for vacation and conveyance of the east/west segment of alley between Clark Street and College Avenue, running from 9th Street, west to the north/south alley. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

04-1146 28. Regarding request from John Swackhamer for vacation and conveyance of an irregular portion of Colfax Avenue immediately west of the applicant's property between the right-of-way line and the traveled way of the adjoining public secondary frontage road, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

04-1147 29. Finding the proposed public parking structure to be developed for the City by Employers Mutual Casualty Company on the block southwest of 7th Street and Mulberry, to be in conformance with the 2020 Community Character Plan. **Moved by Hensley to receive and file. Motion Carried 7-0.**

30. Regarding request from The Shops at Roosevelt, LLC for the following:

04-1148 (A) Vacate and convey a segment of north/south alley between 41st and 42nd from Rollins Avenue to a point 250 feet to the north, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

04-1149 (B) Setting Date of Hearing on request to rezone 833-42nd Street from "C-1" (Neighborhood Retail Commercial) and "R1-60" (One Family Low-Density Residential) to "NPC" (Neighborhood Pedestrian Commercial), (6-21-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-1150 31. On request from Ora Thomas d/b/a Thomas Used Cars to rezone property at 1220 Ure Street and 1223 E. 21st Street from “R1-60” (One Family Low Density Residential) to Ltd “C-2” (General Retail and Highway Oriented Commercial), (6-21-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1151 32. On request from William Sexton to rezone property at 1022 Des Moines Street from “C-O” (Commercial-Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for conversion of the existing single-family dwelling to a coffee shop, subject to conditions, (6-21-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1152 33. On request from Townsend Engineering Company to amend the PUD Conceptual Plan for the property at 2323 Hubbell, to allow for expansion of an existing office building to the south toward Dubuque Avenue for a new meat laboratory to be used for research and development purposes, (6-21-04). ([Council Communication No. 04-274](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1153 34. On vacation and conveyance of the dead end portion of the north/south alley north of E. Ovid Avenue between Cornell and Columbia Streets to the Des Moines Independent Community School District, \$25, (6-21-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1154 35. On vacation and conveyance of the east/west alley between Ingersoll Avenue and Grand Avenue from 16th to 17th Street, to Iowa Paint Manufacturing, \$65,500, (6-21-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
36. Items regarding sale of City-owned property at 711-16th Street:
- 04-1155 (A) Resolution approving selection of Hatch Development Group LLC as developer and Setting Date of Hearing on sale of property in vicinity of lots 18-21, \$40,213, (6-21-04). ([Council Communication No. 04-263](#)). **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-1156 (B) Setting Date of Hearing on sale of the south 11 feet of Lot 17, to Judy Hill, \$2,387, (6-21-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-1157 37. Approving payment of \$588 to Chester C. Woodburn III of Hansen, McClintock & Riley for representation of Ron Wakeham in Barbara A. Rodgers v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1158 38. Approving payments of \$1,139.54 and \$29.50 from Myers & Jenkins and Tishler & Wald, Ltd. for representation of the City in the UAL Corporation Bankruptcy, (\$1,169.04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1159 39. Approving payment of \$8,336.30 to Joseph Case for injuries sustained during course and scope of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1160 40. Approving payment of \$24,865.97 to Ahlers & Cooney, P.C. for consultation and legal services regarding revision of Wastewater Reclamation Authority Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1161 41. Approving payment of \$283.50 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES). **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-1162 42. Submitting out-of-state travel request for William Stowe. ([Council Communication No. 04-247](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1163 43. Submitting various traffic regulation changes as follows: ([Council Communication No. 04-288](#)). **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Revisions to On-Street Parking-Area of E. 11th Street and Des Moines Street.
 - (B) Petition for Two-Sided Parking Restriction-800 Block of E. Bell Avenue.
 - (C) Corner Clearance-West Side of E. 36th Court, South of E. Euclid Avenue.

- (D) Corner Clearance-North Side of Burlington Terrace, East of Nash Drive.
- (E) Corner Clearance-East Side of Nash Drive, South of Burlington Terrace.
- (F) Removal of Parking Meter Spaces-East Side of 5th Avenue, North of Grand Avenue.
- (G) Adjustment to Corner Clearances and Parking Meters-8th Street between Center Street and Crocker Street.
- (H) Additional On-Street Parking-East Side of SW 5th Street, North of Tuttle Street.
- (I) Extension of Nighttime Parking Restriction-North Side of Locust Street between 11th Street and 12th Street.
- (J) One-Sided Parking Restriction-North Side of College Avenue from 8th Street to 9th Street.
- (K) Parking Restrictions to Facilitate Solid Waste Operations-SE 4th Street from Burnham Avenue South and any part of the cul-de-sac and Gleaves Court from East Ovid Avenue to and including any part of the cul-de-sac.
- (L) Parking Restriction to Facilitate Solid Waste Operations-Both Sides of the 4600 block of Wakonda Parkway and including any part of the cul-de-sac.
- (M) Additional Metered On-Street Parking Spaces-East Side of East Sixth Street near East Grand Avenue and Des Moines Street

04-1164 44. Regarding preliminary terms of agreement with Court Avenue Partners II, L.P., (Rick Tollakson, President, Hubbell Realty Company) for the redevelopment of City-owned property between 3rd and 5th Streets, south of Court Avenue. ([Council Communication No. 04-293](#)). **Moved by Hensley to approve the preliminary terms of agreement and to authorize the City Manager to negotiate an Urban Renewal Agreement with Court Avenue Partners II, L.P., consistent with the preliminary terms of agreement; including negotiations regarding consultant/developer fee and equity for the City. Motion Carried 6-1. Nays: Brooks.**

04-1165 45. Regarding preliminary terms of agreement with Court Avenue Partners, I, L.P. (Rick Tollakson, President, Hubbell Realty Company) for the rehabilitation of

upper three floors of 302-310 Court Avenue (f/k/a Spaghetti Works). ([Council Communication No. 04-294](#)). **Moved by Hensley to approve the preliminary terms of agreement and to authorize the City Manager to negotiate an Urban Renewal Agreement with Court Avenue Partners II, L.P., consistent with the preliminary terms of agreement; including negotiations regarding consultant/developer fee and equity for the City. Motion Carried 6-1. Nays: Brooks.**

APPROVING

46. New Grant Awards for the 2003 Supportive Housing Program Grant Agreements with HUD for the following:
- 04-1166 (A) Local Homeless Programs – Primary Health Care-Street Outreach Team, \$170,000. ([Council Communication No. 04-256](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1167 (B) Local Homeless Programs – Iowa Homeless Information System (HMIS) Expansion Project, \$171,284. ([Council Communication No. 04-257](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
47. Renewal Grant Awards for the 2003 Supportive Housing Program Grant Agreements with HUD for the following:
- 04-1168 (A) Local Homeless Programs – Buchanan Transitional Living Center, \$298,174. ([Council Communication No. 04-250](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 04-1169 (B) Local Homeless Programs – Lighthouse Transitional Living Program, \$862,068. ([Council Communication No. 04-255](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 04-1170 48. PY2005 Notices of Funding Availability (NOFA) for First Year Action Plan (2005) of 2005-2009 Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 04-290](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1171 49. Carry over of unspent CDBG funds (\$97,199) to the 2005 Program Year and allocate additional 2004 Home Investment Partnerships (HOME) Program and Emergency Shelter Grant (ESG) funds. ([Council Communication No. 04-](#)

262). **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-1172 50. Amendment to the 2004 Program Year HUD Consolidated Plan that will facilitate the City's receipt of \$148,737 of American Dream Downpayment Initiative (ADDI) funding. ([Council Communication No. 04-261](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
51. Certificates of Consistency with 2000-2004 Consolidated Plan and EZ/EC Strategic Plan for the following:
- 04-1173 (A) Citizens for Community Improvement (CCI). ([Council Communication No. 04-284](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1174 (B) Home Opportunities Made Easy, Inc. (HOME, Inc.). ([Council Communication No. 04-283](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
52. Approving request to Polk County Treasurer for assignment of 2002 and 2004 Tax Certificates for the following: ([Council Communication No. 04-272](#)).
- 04-1175 (A) 2002 Tax Certificate – 922-24th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1176 (B) 2002 Tax Certificate –1543-9th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1177 (C) 2004 Tax Certificate-1800-7th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1178 (D) 2004 Tax Certificate-800-24th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1179 (E) 2004 Tax Certificate-814-29th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1180 (F) Request from Lynn Wright, 1806 8th Street, regarding River Bend Association's request to remove several properties, including 1543 9th Street, from the June certificate tax sale. **Moved by Hensley to receive and file. Motion Carried 7-0.**

04-1181 (G) Additional addresses submitted for review and recommendation.
Moved by Vlassis to adopt. Motion Carried 7-0

WITHDRAWN

04-1182 53. Preliminary terms of an Economic Development Agreement with Excell Marketing in conjunction with expansion of Airport Commerce Park West Urban Renewal Area and Tax Increment Area and proposed extension of SW 56th Street. ([Council Communication No. 04-281](#)).

04-1183 54. Neighborhood Commercial Revitalization Program Loan in the amount of \$175,000 to Gayland Properties, LLC for renovations to 428 and 430 East Locust Street. ([Council Communication No. 04-285](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

04-1184 55. Whiteline Lofts, L.P.'s application for Enterprise Zone Benefits for 64 condominium units at 120 SW 5th Street. ([Council Communication No. 04-292](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

04-1185 56. Second Amendment to the Memorandum of Understanding with Des Moines Development Corporation for the Gateway Project. ([Council Communication No. 04-296](#)).

04-1186 57. 2004 Law Enforcement Terrorism Prevention Program Grant, (\$854,458) where the Des Moines Police Department will apply to be the lead agency in a new centralized criminal intelligence data sharing center with local, state and federal law enforcement agencies in the LEIN 5 District of Iowa. ([Council Communication No. 04-249](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1187 58. Lease Agreement with Des Moines Rowing Club for use of building at Gray's Lake Park. ([Council Communication No. 04-276](#)). **Moved by Hensley to adopt. City Manager to provide a report regarding the number of lessons and amount of time spent by the Club. Motion Carried 7-0.**

04-1188 59. 28E Agreement with Polk County for mowing and maintenance of certain City-owned properties currently classified as Economic Development and Stormwater properties. ([Council Communication No. 04-265](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1189 60. Form of Preliminary Official Statement and authorizing use of electronic bidding in conjunction with the sale of \$8,510,000 Stormwater Management

Utility Revenue Bonds, Series 2004F. ([Council Communication No. 04-252](#))
Moved by Hensley to adopt. Motion Carried 7-0.

61. Directing sale of the following bonds:
- 04-1190 (A) \$13,685,000 General Obligation Bonds, Series 2004C. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1191 (B) \$14,425,000 General Obligation Bonds, Series 2004D, (Urban Renewal). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1192 (C) \$4,830,000 General Obligation Bonds, Taxable Series 2004E. ([Council Communication No. 04-251](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
62. Communications from Downtown Community Alliance requesting approval of the following banner designs:
- 04-1193 (A) On behalf of Meredith Corporation, seven (7) banners downtown on Locust Street to be displayed as soon as approved. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**
- 04-1194 (B) On behalf of Junior Olympics, 88 banners downtown on Locust Street, 5th Avenue, 8th Street, and Grand Avenue to be displayed in July and August. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**
- 04-1195 63. Reappointment of Fire Chief Phillip Vorlander to the Polk County Emergency Management Commission for calendar year 2004. **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-1196 64. Renewal of the Coventry Health Group Master Contract for those employees subject to the Police and Fire Collective Bargaining Agreements. ([Council Communication No. 04-266](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1197 65. Administrative Services Only Agreement with Wellmark Blue Cross Blue Shield of Iowa for dental insurance coverage for retirees and active City employees. ([Council Communication No. 04-277](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-1198 66. Recommendation for diminution of employees in Housing Services Department. ([Council Communication No. 04-270](#)). **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-1199 67. Employee Payroll Deduction for purchase of Interment Rights at City cemeteries. ([Council Communication No. 04-267](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1200 68. Extension of contract with Team Two, Inc. for ambulance billing services until September 30, 2004. ([Council Communication No. 04-254](#)). **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-1201 69. Contract Amendment with Emerging Solutions for improvements to the City's PeopleSoft Financials system, \$34,000. ([Council Communication No. 04-253](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1202 70. Procurement of replacement pumps and related equipment for five sanitary lift stations from Electric Pump and Tool Services, Inc. (Dick Miller, President, 4280 NE 14th Street), \$142,418. ([Council Communication No. 04-286](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

****Council considered Hearing Items 81 thru 93 next****

71. Bids from the following:
- 04-1203 (A) Bowman Distribution for an annual contract with two additional one-year renewal options to furnish fasteners and industrial hardware products. (Seven bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1204 (B) O'Halloran International (sole area-wide distributor) for a blanket order to purchase International Truck repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$70,000. **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Hensley.**
- 04-1205 (C) EDM Equipment (sole area-wide distributor) for a blanket order to purchase Leach, Elgin and Vactor equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$75,000. **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Hensley.**
- 04-1206 (D) Mid-Iowa Solid Waste Equipment (sole area-wide distributor) for a blanket order to purchase Heil equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$30,000.

Moved by Coleman to adopt. Motion Carried 6-1. Pass: Hensley.

- 04-1207 (E) Elliott Equipment Company (sole area-wide distributor) for a blanket order to purchase Wayne and Kann equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$90,000. **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Hensley.**
- 04-1208 (F) Van Meter Industrial (sole area-wide distributor) for a blanket order to purchase Allen Bradley variable frequency drive system repair parts to be used by the Wastewater Reclamation Facility during FY 2005 estimated cost \$40,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1209 (G) Ziegler (sole area-wide distributor) for a blanket order to purchase Caterpillar equipment repair parts to be used by the Fleet Maintenance Center during FY 2005 estimated cost \$50,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1210 (H) Eddy Walker Equipment Company for a street sweeper to be used by the Wastewater Reclamation Facility, \$84,969. (Four bids mailed, three received). ([Council Communication No. 04-248](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1211 (I) Grainger Industrial Supply from WSCA price agreement #6146 for a blanket order to purchase miscellaneous industrial supplies and equipment to be used by the Wastewater Reclamation Facility during FY 2005 estimated cost \$45,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1212 (J) Construction Materials Inc. as primary supplier and Logan Contractors Supply as secondary supplier for an annual contract with two additional one-year renewal options to furnish re-bar materials to be used by the Public Works Department. (Four bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1213 (K) Fisher Scientific per State of Iowa Contract number CT1264MV for a blanket order to purchase miscellaneous laboratory supplies to be used by the Wastewater Reclamation Facility during FY 2005 estimated cost \$25,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

****Council considered Items 76 thru 79 next****

- 04-1214 72. Civil Service Entrance Lists for Police Officer, Senior Public Safety Dispatcher, Treasury Manager, and Network Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-1215 73. Authorizing Finance Director to issue checks on the registers of June 10 and June 17, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of June 7 and June 14, 2004; and to draw checks for biweekly payroll due employees on June 11, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 04-1216 74. On vacation of the North/South alley adjoining 3009 SW 9th Street. **Moved by Hensley that this ordinance do now pass, [#14,343](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 04-1217 75. Amending Chapter 2 of the Municipal Code regarding procurement by solicitation of competitive bids, and procurement by request for proposals. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FIRST CONSIDERATION

- 04-1218 76. Amending Chapter 82 of the Municipal Code, regarding administration and funding of the Public Arts Program, to eliminate the Public Arts Commission and provide for administration of the Program by a non-profit agency. ([Council Communication No. 04-287](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Brooks.**
- 04-1219 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass,**

#14,344. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

04-1220 77. From Marylyn Bruce, 833 Walker Street, regarding the City's neighborhood sign ordinance. **Moved by Vlassis to receive and file comments, and refer to the City Manager and Community Development for review and recommendation regarding amendments to the ordinance. Motion Carried 7-0.**

04-1221 78. From Douglas A. Bruck, 3840 – 4th Street, requesting the reissuance without an additional fee of the expired building permit for construction of a single family dwelling at 813 SE 28th Street. ([Council Communication No. 04-260](#)) **Moved by Vlassis to receive and file. Motion Carried 7-0.**

****Council considered Board of Health Items next****

04-1222 79. From Matt Johnson, 4521 Fleur, Suite F, requesting to speak regarding signage for small business owners. **Moved by Hensley to receive, file comments, and refer to the City Manager and Community Development for review and recommendations regarding amendments to the ordinance. Motion Carried 7-0.**

WITHDRAWN

04-1223 80. From Gerald LaBlanc, 8912 N.E. 46th Avenue, Altoona, requesting to speak regarding replacing the Woodland Cemetery Memorial Arch.

HEARINGS (Opened at 5:38 P.M.) (Items 81 thru 93)

04-1224 81. On amending Gas Franchise Ordinance by extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance. ([Council Communication No. 04-264](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Mahaffey and Kiernan.**

04-1225 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Mahaffey and Kiernan.**

04-1226 82. On amending Electric Franchise Ordinance by extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance. ([Council Communication No. 04-264](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Mahaffey and Kiernan.**

- 04-1227 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Mahaffey and Kiernan.**
- 04-1228 83. On Assessment of \$300 penalties to five cigarette permittees for violation of Iowa Cigarette Laws, sale to minors. **Moved by Hensley to adopt. Motion Carried 7-0**
84. On intent to commence Public Improvement Projects to construct the following, and to acquire agricultural land for the projects.
- 04-1229 (A) Clover Hill Trunk Sanitary Sewer. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1230 (B) WRA Four Mile Interceptor Extension. **Moved by Vlassis to adopt. Motion Carried 7-0.**
85. Items regarding the proposed Fleur Drive Commercial Urban Renewal Area: ([Council Communication No. 04-273](#)).
- 04-1231 (A) Report and recommendation from the City Plan and Zoning Commission regarding the conformance with the City's Comprehensive Plan. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Coleman.**
- 04-1232 (B) Finding the proposed urban renewal area constitutes a blighted area and an economic development area appropriate for redevelopment for commercial use. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1233 (C) Closing the Hearing and approving the proposed Urban Renewal Plan. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1234 (D) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- 04-1235 (E) Final consideration of ordinance above, (waiver requested by Raccoon Valley Investment Company, L.C.), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the**

ordinance do no pass, [#14,345](#). Motion Carried 6-1. Absent: Coleman.

- 04-1236 (F) Approving Urban Renewal Development Agreement with Raccoon Valley Investment Company, L.C. represented by Michael Coppola, for redevelopment of portion of the Urban Renewal Area. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1237 86. On Proposed Connection Fee Ordinance for Southeast Ridge Area Trunk Sewer System Benefited District. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1238 87. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 212 acres), and to continue to July 12, 2004 at 5:30 P.M. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1239 88. On SE 14th Street and Indianola Avenue Turn Lane and Signal Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as P.G. Construction Inc., (Paul Purdy, Vice President, DSM), \$180,003.45. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1240 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1241 89. On Western Gateway Improvements at 12th Street and Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Larson & Larson Construction, LLC, (Jeffrey C. Larson, President, DSM), \$205,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1242 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1243 90. On 2004 HMA Pavement Milling & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (James Gauger, DSM), \$895,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1244 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion**

Carried 7-0.

- 04-1245 91. On Closes Creek-Neirob Court Storm Water Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President, DSM), \$1,208,386. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1246 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1247 (B) Approving Professional Services Supplemental Agreement No. 2 with Snyder & Associates, Inc., (Stephen P. Rowe, President, Ankeny) for design services for Bennett Avenue and Nierob Court/26th Street - \$40,980. ([Council Communication No. 04-280](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1248 92. On Upper Union Park Sewer Separation Phase II: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and submission of bids. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-1249 93. On Thomas Beck Storm Sewer Repair West of SW 9th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, (Mark Van Hauen, CEO/President, Clive), \$139,930. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1250 (A) Approving contract and bond and permission to sublet. ([Council Communication No. 04-295](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

END HEARINGS AT 6:30 P.M.

**Council considered Item 71 **

BOARD OF HEALTH

- 04-1251 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

HEARING

WITHDRAWN

- 04-1252 1. On resolution to cause the removal of the structures located at 2935 Walker Street by administrative process and to charge for the enforcement costs

incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholder: Erik Abild; Mortgage Holder: First National Acceptance Company.

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:
 - 04-1253 (A) 2152 Capitol Avenue, Titleholders: Gilbert Andreini d/b/a Jer-Ela Properties and Larry Barry d/b/a Jer-Ela Properties. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-1254 (B) 2711 Chicago Avenue, Titleholder: First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-1255 (C) 2320 Dean, Titleholder: Ronald Alfrod; Tax Certificate Holders: Cheryle Barieri-Disney and B2 Real Estate Fund, LP. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-1256 (D) 2443 Des Moines Street, Titleholder: Jer-Ela Properties. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-1257 (E) 1915 Martin Luther King Jr. Parkway, Titleholder: Juanita Barker; Legal Interest Holder: Ace Bail Bonds, Inc.; Tax Certificate Holder: Katherine Halloran d/b/a Wyoming 107 and Michelle Fournier d/b/a Wyoming 107. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-1258 (F) 449 Tonawanda Drive, Titleholders: James F. Hiatt, Michael A. Hiatt, Patrick E. Hiatt; Tax Certificate Holder: Christine Frank d/b/a Tax 221. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-1259 (G) 1427 22nd Street, Titleholder: Z Fin 40. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-1260 (H) 973 27th Street, Titleholder: Lois A. Ousley a/k/a Lois A. Ousley-Edwards; Mortgage Holder: U.S. Bank N.A. and Lederman Bonding Company; Tax Certificate Holder: RM/US Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1261 3. The Engineering Department to remove the structure located at 3012 E. 8th Street, Titleholder: Harold Cronin and Jeri Cronin a/k/a Jeri Starr; Mortgage Holder: Contract Finance, LC and US Bank Association; Tax Certificate Holder: MM/US Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
4. Release of fire escrow accounts for the following structures:

04-1262 (A) Release of demolition cost reserve held by State Farm Insurance Companies regarding property known as 2728 College Avenue insured by Lonnie Dafney. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1263 (B) Release of demolition cost reserve held by State Farm Insurance Companies held under claim number 15-E068-956 regarding property known as 2552 E. Grand Avenue insured by Elpha Lerche. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

04-1264 5. Communication regarding demolition cost reserve being held by State Farm Insurance Companies for the fire damaged structure at 4031 4th Street. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

04-1265 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:12 P.M. Motion Carried 7-0.**